

title 79 thereof, in relation to fees in the general land office."

Bill read second time.

By Senator Atlee:

Amend caption by adding after the word "State" the words "or by cities and towns."

On motion of Senator Agnew, Senate adjourned till tomorrow morning at 10 o'clock.

THIRTY-THIRD DAY.

Senate Chamber,
Austin, Texas, Feb. 14, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Rogers.
Darwin.	Shelburne.
Dean.	Simpson.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Absent, excused.

Boren.

Sherrill.

Absent, not excused.

Smith.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, same was suspended.

On motion of Senator Dickson, Senator Boren was excused indefinitely on account of sickness.

On motion of Senator Dibrell, Senator Smith was excused indefinitely on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Dickson:

Petition from business men of Brenham, Texas, protesting against the passage of the "Agnew bill."

Read and referred to Judiciary Committee No. 1.

By Senator Lewis:

Petition from citizens of Bandera county, asking that the civil and criminal jurisdiction of the county court be restored.

Read and referred to Committee on Judicial Districts.

By Senator Dean:

Petition from citizens of Presidio county, asking that the appropriation for the support of the ranger force be made.

Read and referred to Committee on Finance.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 14, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 166, being "An act to amend section No. 1 of an act entitled 'An act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and protect stockraisers, approved April 22, 1879, and amended April 12, 1880, April 4, 1881, March 27, 1887, March 29, 1889, March 23, 1891, April 15, 1891, and March 29, 1893, so as to exempt Wilson county from the operation of the stock inspection law,'"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 52, being a bill to be entitled "An act to encourage irrigation, and to provide for the acquisition of the right to the use of water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation and for mining, milling and stockraising."

Have had the same under consideration, and I am instructed to report the accompanying committee substitute Senate bill No. 52 back to the Senate with the recommendation that said substitute do pass.

GAGE, Chairman.

(No copy of substitute furnished Journal Clerk.)

Committee Room,
Austin, Texas, Feb. 13, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 27, being "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts,"

And find the same correctly enrolled, and have at this day, at 10:50 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,
Austin, Texas, February 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 153, being a bill to be entitled "An act to require street car companies in this State to provide closed cars for passengers during certain months, and to prohibit the use of open

cars during such time, and to provide penalties for the violation of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

M'KINNEY, Chairman.

Committee Room,
Austin, Texas, February 13, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 145, being a bill to be entitled "An act to provide a more efficient method of taking the scholastic census, to fix the compensation of persons taking such census, defining the powers of persons taking such census, and providing penalties for violation of the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend section 2, line 3, by striking out "seventeen" and inserting "sixteen" in lieu thereof.

Amend by adding the following: "Section 10. All laws and parts of laws in conflict with this act are hereby repealed."

PRESLER, Chairman.

Committee Room,
Austin, Texas, February 13, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 131, being a bill to be entitled "An act to amend section 12 of chapter 122 of the general laws of the State of Texas, being 'An act to provide a more efficient system of public free schools for the State of Texas,' etc., approved May 20, 1893,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PRESLER, Chairman.

HOUSE MESSAGE.

House of Representatives.
Austin, Texas, February 14, 1895.
Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following House bill, to-wit:

House bill No. 13, a bill to be entitled "An act to amend article 1198, chapter 4, title 29, of an act passed at the regular session of the Sixteenth Legislature of the State of Texas, entitled 'An act to adopt and establish the Revised Civil Statutes of the State of Texas,' which article regulates the venue of civil cases in the district and county courts."

Respectfully,

CHESTER HAILE, Chief Clerk.

BILLS AND RESOLUTIONS.

By Senator Goss:

A bill to be entitled "An act to amend section 1, chapter 106, acts of the Twenty-second Legislature, as approved the 13th day of April, 1891, entitled 'An act to amend section 1 of chapter 79 of an act passed at the regular session of the Twenty-first Legislature, approved April 4, 1889, entitled an act to authorize counties to fund their indebtedness, and to provide means to pay same.'"

Read first time and referred to Judiciary Committee No. 1.

By Senator Colquitt:

A bill to be entitled "An act granting to the State Orphans' Home, situated at Corsicana, Texas, fifty thousand acres of land out of the unappropriated public domain of the State of Texas, and to provide for carrying out the provisions of this act."

Read first time and referred to Committee on Claims and Accounts.

By Senator Colquitt:

A bill to be entitled "An act to amend article 2519 of chapter 6 of the Revised Civil Statutes of the State of Texas, so as to compel guardians to renew their guardian bonds every two years, and provide for notice to guardians in such cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dibrell:

A bill to be entitled "An act to amend an act entitled 'An act amendatory of article 3112 of title 58 of an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature of the State of Texas, 1879, which act was passed by the Seventeenth Legislature of the State of Texas and approved April 4, 1881; and to amend article 3114 of chapter 58 of the Revised Civil Statutes of the State of Texas; and to repeal article 3120 of title 58 of the Revised Civil Statutes of the State of Texas, and 3122 of an act entitled an act to amend title 58 of the Revised Civil Statutes of the State of Texas,' which act was passed by the Sixteenth Legislature of the State of Texas, and approved April 22, 1879, relating to the issuance of distress warrants."

Read first time and referred to Judiciary Committee No. 1.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 149, being a bill to be entitled "An act to provide for the collection of taxes heretofore levied and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of the lands delinquent for taxes since January 1, 1877, which may have been sold to the State or to any county, city or

town, for the tax due thereon, and not redeemed, or which may hereafter be sold to the State, or to any county, city or town, to satisfy the lien thereon."

Bill read second time.

Senator Atlee moved to consider the bill by sections.

Carried.

Section 1 read.

Section 2 read.

By Senator Colquitt:

Amend section 2, in line 3, by striking out the word "and" after the word "delinquent" and insert in lieu thereof the words "or reported."

Adopted.

By Senator Simpson:

Amend section 2, line 2, by striking out "1877" and inserting "1893" in lieu thereof.

Pending consideration of the amendment,

The Chair gave notice of signing and did sign, after the caption of same had been read,

Substitute Senate bill No. 27, "An act to transfer to the general revenue account parts of certain funds now in the State Treasury to the credit of other accounts."

Action recurring to the amendment offered by Senator Simpson, it was lost by the following vote:

Yeas—7.

Bailey.
Crowley.
Darwin.
Dibrell.

Harrison.
Shelburne.
Simpson.

Nays—18.

Agnew.
Atlee.
Beall.
Colquitt.
Dean.
Dickson.
Gage.
Goss.
Lewis.

McComb.
McKinney.
Presler.
Rogers.
Stafford.
Steele.
Tips.
Whitaker.
Woods.

Absent, excused.

Boren.

Sherrill.

Absent, not excused.

Bowser.
Greer.

Lawhon.
Smith.

By Senator Bailey:

Amend section 2 by striking out the words "city or town," in lines 3 and 4.

Lost.

Section 3 read.

By Senator Tips:

Amend section 3 by inserting in line 18, after the word "made," the following: "Or if unorganized, then of the county to which attached for judicial purposes."

Adopted.

By Senator Colquitt:

Amend section 3, line 6, after the word "were," by inserting the words "reported delinquent or."

Adopted.

By Senator Colquitt:

Amend section 3, in line 7, by inserting after the word "sale" the words "or delinquency."

Adopted.

By Senator Colquitt:

Amend section 3, line 13, by inserting after the word "situated" the following: "The list for each county when signed by the Comptroller shall be conclusive evidence that all the requirements of the law have been complied with by the officers charged with any duty thereunder, as to the regularity of listing, assessing, and reporting same as delinquent, or as sold to the State, any real estate whatsoever."

By Senator Gage:

Amend the amendment by striking out "conclusive" and inserting "prima facie."

Senator Colquitt accepted the amendment and it was adopted.

The amendment as amended was then adopted.

Section 4 read.

By Senator Colquitt:

Amend section 4, after the word "been," in line 3, by inserting the words "reported delinquent or."

Adopted.

By Senator Colquitt:

Amend section 4 by adding thereto, in line 10, the following: "As to names of delinquents."

Adopted.

Section 5 read.

Section 6 read.

By Senator Simpson:

Amend section 6, lines 1 and 2, by striking out the words "the first time."

Adopted.

By Senator Atlee:

Amend section 6: Strike out in lines 12 and 13 the clause "against said land and the owner thereof" and insert in lieu, "in the alternative;" and insert in line 13, after the word "Texas," the words "for the land or."

Adopted.

By Senator Colquitt:

Amend section in line 15, after the word "taxes" the following, "interest and cost."

Adopted.

By Senator Tips:

Amend section 6 by inserting in line 5, after the word "located," and also in line 7, after the word "county," the following: "Or if unorganized, then of the county to which attached for judicial purposes."

Adopted.

By Senator Atlee:

Strike out lines 20 and 21 and word "the" in line 19, and insert the following: "The petition, in describing the land referred to therein, shall mention the record herein required to be kept, as follows:"

By Senator Beall:

Substitute the amendment: Amend by

striking out all after the word "lien" in line 19 and lines 20 and 21, and insert in lieu thereof the following: "There shall be kept in the office of the county clerk, in a substantial record book a list of all lands for which suit shall be brought as herein before provided for, together with a statement of the amount of taxes and costs due thereon."

Adopted.

Senator Colquitt moved to reconsider the vote by which the substitute was adopted.

Reconsidered.

Senator Beall withdrew his substitute.

Senator Dean moved to postpone further consideration to Wednesday next after call.

Lost.

Senator Atlee withdrew his amendment.

By Senator Colquitt:

Amend section 6 by striking out the word "the" in line 19 and lines 20 and 21, and insert the following: "All lands sued on for taxes shall be recorded in a substantial record book, showing the amount of taxes due thereon."

Adopted.

By Senator Tips:

Amend section 6, page 4, by striking out all of lines 1 to 11 inclusive, and insert in lieu thereof the following: "Such record book shall be prepared and kept uniformly in all the counties of this State under the direction of the Comptroller of Public Accounts, who is hereby required to prescribe suitable regulations therefor."

Adopted.

Section 7 read.

By Senator Dibrell:

Amend by striking out in line 9 of section 7 the words "within ten" and insert in lieu thereof "twenty."

Adopted.

(Senator Goss in the chair.)

By Senator Colquitt:

Amend section 7, in line 6, after the word "taxes" insert the word "interest."

Adopted.

By Senator Colquitt:

Amend section 7, in line 8, by striking out the word "penalties."

Adopted.

By Senator Rogers:

Amend section 7 by inserting between the words "corner" and "provided," in line 20, the words "if practicable."

By Senator Dibrell:

Substitute the amendment: And by striking out in line 20 of section 7 the following, "in a square in the northeast corner," and insert in lieu thereof the following, "from said tract in a shape as near square as practicable, beginning at any corner of such tract designated by the purchaser that will not include the dwellings on said tract."

Adopted.

The amendment as substituted was then adopted.

By Senator Gage:

Amend section 7 by striking out the word "five," in line 13, and inserting the word "four."

Adopted.

By Senator Simpson:

Strike out the words "and penalty," in line 16, section 7, and insert "and" before "costs" in same line.

Adopted.

By Senator Colquitt:

Amend section 7, in line 17, after the word "taxes" insert the words "and interest," and strike out the words "and penalty" in same line.

Adopted.

By Senator Simpson:

Amend section 7, line 9, by striking out "such" and inserting "final" in lieu thereof.

Adopted.

By Senator Agnew:

Strike out in section 7, line 26, the words "and penalty."

Adopted.

Section 8 read.

By Senator Dibrell:

Amend by striking out in line 5, section 8 the following: "After the time of redemption shall have expired," and insert said words in line 7 of said section after the word "State."

Adopted.

Senator Colquitt moved to postpone further consideration of the bill, and that the same be made special order for tomorrow after call.

Carried.

Senator Shelburne asked permission to withdraw Senate bill No. 161.

Granted.

Senator Gage moved to suspend regular order of business and take up

Senate bill No. 60, being a bill to be entitled "An act to make the possession of cattle, horses or mules having thereon burnt brands unlawful, and to empower the sheriff and inspector of hides and animals to sequester the same, and to provide for the foreclosure in case of seizure."

Suspended by the following vote:

Yeas—23.

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt	Shelburne.
Darwin.	Simpson.
Dean.	Stafford.
Dibrell.	Steele.
Dickson.	Tips,
Gage.	Whitaker.
Goss.	Woods.

Nays—None.

Absent, excused.
Smith.

Boren.
Sherrill.

Absent—not excused.

Crowley,
Greer.

Lewis.
McComb.

Bill read second time and ordered engrossed.

(Lieutenant Governor Jester in the Chair.)

On motion of Senator Lawhon, regular order was suspended and

Senate bill No. 166, entitled "An act to amend section No. 1 of an act entitled an act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising, approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, March 27, 1887, March 29, 1889, March 23, 1891, April 15, 1891, and March 29, 1893, so as to exempt Wilson county from the operation of the stock inspection law,"

Was taken up on third reading.

Bill read third time.

By Senator Dean:

Amend by inserting in line 37, after the word "act" and before the word "and," the words "provided, that the county of El Paso is hereby especially exempted from the operation of all inspection laws relating to either hides or animals."

Adopted by the following vote:

Yeas—23.

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Simpson.
Dean.	Stafford.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Goss.	Woods.

Nays—None.

Absent, excused.

Boren.
Sherrill.

Smith.

Absent, not excused.

Crowley.
Greer.

Lewis.
McComb.

By Senator Dean:

Amend caption by inserting the words "and El Paso" between the word "Wilson" and the word "county," and to change said word "county" so that it shall read "counties."

Adopted by the following vote:

Yeas—24.

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Simpson.
Dean.	Stafford.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Goss.	Woods.

Nays—None.

Absent—excused.

Boren.
Sherrill.

Smith.

Absent—not excused.

Crowley.
Greer.

Lewis.
McComb.

The bill was then passed by the following vote:

Yeas—24.

Agnew.
Atlee.
Bailey.
Beall.
Bowser.
Colquitt.
Darwin.
Dean.
Dibrell.
Dickson.
Gage.
Goss,

Harrison.
Lawhon.
McKinney.
Presler.
Rogers.
Shelburne.
Simpson.
Stafford.
Steele.
Tips.
Whitaker.
Woods.

Nays—None.

Absent, excused.

Boren.
Sherrill.

Smith.

Absent, not excused.

Crowley.
Greer.

Lewis.
McComb.

On motion of Senator Beall,

Senate bill No. 170, being a bill to be entitled "An act to amend an act entitled 'An act to amend article 1054, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act of the Twenty-first Legislature, approved April 4, 1889,' constituting chapter 93, general laws of the State of Texas," relating to fees of sheriffs in cases of attached witnesses,"

Was made special order for next Tuesday at 10:30 a. m.

On motion of Senator Goss,

Senate bill No. 95, being a bill to be entitled "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands, and of the public lands of the State, and the patenting of any part of said lands for church, cemetery or school house sites, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor,"

Was made special order for next Tuesday and from day to day.

IN SENATE.

Committee substitute for House bills Nos. 3 and 7, a bill to be entitled "An act to amend section 58, of chapter 122, of the general laws enacted by the Twenty-third Legislature, entitled 'An act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds, etc., approved May 20, 1893; to provide for separate boards of trustees for white and colored schools of each school district; to provide for the maintenance of separ-

ate schools for white and colored children of each district; to provide for the apportionment of the school funds of each district to the respective schools thereof."

Read first time and referred to Committee on Education.

On motion of Senator Rogers,

Senate bill No. 66, being a bill to be entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-third Legislature, chapter 83, page 109,"

Was made special order for Thursday week (February 21), and from day to day.

On motion of Senator Dickson, Senate adjourned till tomorrow morning at 10 o'clock.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas, Feb. 15, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Rogers.
Darwin.	Shelburne.
Dean.	Simpson.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Absent, excused.

Boren.
Sherrill.

Smith.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator McKinney, same was suspended.

On motion of Senator Rogers, Journal Clerk W. B. O'Quinn was excused for non-attendance for today on account of important business.

On motion of Senator McKinney, J. M. Kennedy, postmaster of the Senate, was excused until Monday on account of important business, and John L. Stephenson was appointed to serve as postmaster in the meantime.

Senator Presler arose to a question of personal privilege and presented the following:

Mr. President and Gentlemen of the Senate:

I beg leave this morning to address you briefly upon a matter of personal privilege. Noticing yesterday in the pa-

pers the published reports of my humorous assault upon the country press, it occurs to me that there may be some people to whom heaven has denied the sense of humor, and that by this class of serious minded individuals my remarks might be taken as indicating a slight regard for a large and influential class of our fellow citizens known as the country editors; a class, too, that is quite numerous in my section, and who have a way of taking considerable interest in politics; who, notwithstanding the fact that they themselves are somewhat in the habit of indulging in facetious remarks about "nail-keg editors wearing linen dusters in the winter time and claw hammer coats of ancient fabric in the summer, in order to conceal from the public gaze half soles on the seat of their pants," and other such like allusions and references, all calculated to impress the public with the idea that their business was not a financial success; but who might nevertheless fail to take kindly to like remarks coming from an outsider, an alien, a stranger to their commonweal, like myself. It is therefore in order Mr. President, and probably best for my political health, for me to make a few serious remarks expressive of the high regard that I really entertain for the country press, and laying jokes aside, Mr. President, I know of no more worthy, honorable and useful class among our citizens than the gentlemen who are engaged in conducting our country newspapers. I subscribe for, pay for, and sometimes read some fifteen or twenty of such papers published in my section. I do not know of one that is not a credit and an honor to the community in which it is published. In most instances they are really better papers than their towns deserve or their patronage warrants; nor do I know of any class of our people, Mr. President, who furnish more patriotism for less money; they are the conservators of public morals and the very palladium of our liberties, devoted to the interests of their people, public spirited, patriotic and incorruptible, championing the cause of right as they see it, generally without fear of punishment and oftener without the hope of reward. Many of these country editors publishing papers in obscure places, inadequately compensated by a meagre support grudgingly given, devoting the labors of a life time to the work of elevating, educating and refining the masses of citizenship, laying the foundations for future grandeur and prosperity of our people; and I can close this talk in no better way than to liken them in their lives, work and reputation to the insect builders of the coral reefs in the southern seas that labor deep down in the depths of the ocean laying the foundation of future islands and coming continents; generations after generations give themselves to their hidden work as age after age goes by, until at last their structure rears its crest above the break of the waters, the waves of old ocean roll back and the dry land is there, the orange and the palm trees, land-locked